

# Order

Michigan Supreme Court  
Lansing, Michigan

December 30, 2009

Marilyn Kelly,  
Chief Justice

137608

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

RONNIE L. MYERS and MARY MYERS,  
Plaintiffs-Appellants,

v

SC: 137608  
COA: 277542  
Genesee CC: 04-079144-NP

MUFFLER MAN SUPPLY COMPANY,  
Defendant,  
Cross-Plaintiff-Appellee,

and

NEVADA EQUIPMENT LIQUIDATING, f/k/a  
NEVADA EQUIPMENT, INC., MICHIGAN  
TRACTOR MACHINERY COMPANY, d/b/a  
MICHIGAN CAT AGGREGATE DIVISION,  
CULVER CONSTRUCTION, INC., f/k/a  
CULVER CONSULTING, INC.,  
Defendants,

and

POWER SCREEN USA, L.L.C., d/b/a  
SIMPLICITY ENGINEERING, INC., D & L  
EQUIPMENT, INC., and SUBLET  
CONTRACTORS, INC.,  
Defendants, Cross-Defendants.

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On December 9, 2009, the Court heard oral argument on the application for leave to appeal the September 23, 2008 judgment of the Court of Appeals. On order of the Court, the application is again considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

KELLY, C.J., and CAVANAGH and HATHAWAY, JJ., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 30, 2009

*Corbin R. Davis*

Clerk